

POSSIBLE SUBDIVISION STRATEGIES

Overview

In September 2005, the East Windsor Planning and Zoning Commission adopted a nine month moratorium in order to adopt new regulations intended to better guide residential development.

At a series of public meetings in October and November, the Commission decided on the following performance objectives for Subdivision Regulation strategies:

- **Open Space Regulations**
 - Preserve more open space (quantity) [POCD says 20%]
 - Preserve more meaningful open space (quality)
 - Modify fee in lieu of open space provisions to make it work better
- **Road Standards**
 - Discourage inappropriate road standards
 - Reduce road widths
- **Sidewalk Standards**
 - Require sidewalks where recommended in POCD

This booklet is intended to present possible regulatory language to address these issues.

This booklet is intended to present possible regulatory changes to the Subdivision Regulations to address identified development issues in East Windsor.

Modify The Definitions Section

No text changes recommended at this time except as follows.

The words and phrases set forth in these Regulations shall be construed as defined in this Section, unless otherwise clearly qualified by their context. Words not defined in this Section shall be interpreted by the Commission after consulting one or more of the following:

1. The East Windsor Zoning Regulations.
2. The Connecticut General Statutes, as amended.
3. ["A Planners Dictionary" \(Planning Advisory Service, American Planning Association, Chicago, IL, 2004\).The Illustrated Book of Development Definitions \(Rutgers University, Center for Urban Policy Research \(Piscataway, NJ\), as amended.Black's Law Dictionary.](#)
4. A comprehensive general dictionary.

Certain words contained herein shall be interpreted as follows:

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.
3. When not inconsistent with the context:
 - a. Words in the present tense include the future and vice-versa.
 - b. Words in the singular include the plural and vice-versa.
 - c. Words in the masculine include the feminine and neuter and vice-versa.
4. The word "person" also includes a partnership, association, trust, corporation or other legal entity.

PLAN OF DEVELOPMENT - means the East Windsor Plan of Conservation and Development, as amended.

Modify The General Conditions Section

No text changes recommended at this time except as follows.

2.6 (Reserved)

2.9 Open Space

The Planning Commission may require the provision and reservation of open space in any subdivision as a condition of subdivision approval. Specific requirements are outlined in Section 7.

Add Planning / Traffic Requirements

No text changes recommended at this time except as follows.

5.7 Landscape Design

1. For any subdivision containing five (5) or more lots, the following materials shall be prepared by a Connecticut licensed landscape architect and submitted with the application:
 - a. a site inventory / analysis map,
 - b. an overall lot / roadway layout plan, and
 - c. a conceptual PRD plan if the proposed residential subdivision in the [R-2](#), R-3, A-1 or A-2 district is not proposed as a PRD Development under Section 20 of the Zoning Regulations.
2. If the Commission is not satisfied with the quality of the analysis prepared by the applicant's landscape architect, it may hire another landscape architect to prepare such analysis and charge the applicant for the cost of such services.

5.8 Traffic Analysis

1. For any subdivision containing twenty (20) or more lots, a traffic impact analysis shall be prepared by a Connecticut licensed professional engineer with expertise in traffic engineering and submitted with the application indicating:
 - a. the existing traffic conditions in the vicinity of the site,
 - b. the expected traffic generation from the development,
 - c. the effect of the expected traffic upon the level of service of the streets and intersections providing access to the development and other critical intersections affected by the development.
2. If the Commission is not satisfied with the quality of the analysis prepared by the applicant's traffic engineer, it may hire another traffic engineer to prepare such analysis and charge the applicant for the cost of such services.

A landscape architect is required for any subdivision of 5+ lots and a PRD plan is required if it is not a PRD development.

Provision has been made to modify some road widths and cul-de-sac requirements.

Modify Street and Infrastructure Standards

6.1.5 Street Widths:

No text changes recommended at this time except as follows.

Minimum widths for the various street designations shall be as shown in the following table:

DESIGNATION	RIGHT-OF-WAY	PAVEMENT WIDTH
Major collector street	As determined by the Commission	As determined by the Commission
Minor collector street	Sixty feet (60')	Thirty-six (36) feet
Minor local street	Fifty feet (50')	Twenty-six feet (26')
Cul-de-sac serving less than 20 lots	Fifty feet (50')	Twenty-two feet (22')

6.1.7 Cul-de-sac Streets:

No text changes recommended at this time except as follows.

Where cul-de-sac streets are included in a subdivision, they shall not contain more than twenty (20) homes. They shall be equipped with a turn-around which has a minimum right-of-way radius of sixty feet (60') and a minimum pavement radius of fifty feet (50). On permanent cul-de-sac streets, the Commission may permit a landscaped center island provided that the inside radius of the paved travel way shall be able to accommodate the turning radius of a vehicle with a 40-foot fixed wheelbase (WB-40). When a cul-de-sac is proposed as a temporary measure pending future development of adjoining property, it shall be so designed as to be feasible of continuation in the adjacent tract.

6.2 Pedestrian Easements

No text changes recommended at this time except as follows.

In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds or other public or semi-public places, the Commission may require the establishment of ten foot (10') or wider easements for pedestrian ways and the establishment of a pedestrian pathway.

6.3 Sidewalks and Pathways

1. **Provision Required** - Every subdivision in East Windsor shall make some provision for sidewalks and/or trails in places deemed proper by the Commission for the public necessity and safety.
2. **On-Site Sidewalks** - This requirement may, with approval of the Commission, be met by providing sidewalks on internal roads within the development and along adjoining streets.
3. **On-Site Trails** - Alternatively, the applicant may propose and the Commission may agree that some or all of this requirement shall be met by providing trails within the development in locations approved by the Commission.:
 - a. that may interconnect existing and future trails, and
 - b. which shall be open to the general public.
4. **Off-Site Installation** - Alternatively, the applicant may propose and the Commission may agree that some or all of this requirement shall be met by installing sidewalks and/or trails elsewhere in East Windsor in locations approved by the Commission provided that the value of such sidewalks and/or trails is equal to at least fifty percent (50%) of the estimated cost of installing sidewalks and trails in the development.
5. **Fee-In-Lieu-Of Installation** - Alternatively, the applicant may propose and the Commission may accept that some or all of this requirement shall be met by making a payment of a fee in lieu of installing sidewalks or trails to a Town Sidewalk and Trail Fund provided that such payment is at least forty percent (40%) of the estimated cost of installing sidewalks in the development.
6. **Sidewalk Requirements** - When sidewalks are to be provided within the development, plans for such sidewalks shall be shown on the construction plans and any sidewalk shall:
 - a. be a minimum of four feet (4') in width,
 - b. have four foot (4') concrete slabs with expansion joints with a maximum twelve foot (12') separation.
 - c. have a minimum four inch (4") thick concrete slab on a minimum six inch (6") deep processed gravel base except that where such sidewalk extends across any driveway, it shall have a minimum seven inch (7") thick concrete slab on a minimum eight inch (8") processed gravel base.
7. **Pathway Requirements** - When pedestrian pathways are required, plans for the pathways shall be shown on the construction plans. Pathways shall be a minimum of four feet (4') in width with an appropriate surface treatment (such as stone dust or other surface material).

Provision has been made for pedestrian pathways and storm drainage management.

6.11 Storm Drainage

No text changes recommended at this time except as follows.

6.11.6 Unless modified by the Commission upon recommendation of the town planner and town engineer, each subdivision shall make provision for a zero percent increase in the peak rate of runoff from the development compared to pre-development conditions.

6.11.7 Unless modified by the Commission upon recommendation of the town planner and town engineer, each subdivision shall make provision for best management practices (such as infiltration) to reduce the amount of runoff from the development compared to pre-development conditions.

Modify Open Space Requirements

SECTION 7 OPEN SPACE REQUIREMENTS

7.1 Open Space Required

The Commission shall, except as noted below, require provision be made for preservation of open space as part of every residential subdivision.

7.2 Flexibility of Approach

1. In accordance with Section 8-25 of the Connecticut General Statutes, such preservation may be accomplished through the dedication of one or more parcels of open space land in the subdivision or through the provision of a fee in lieu of dedication of land or both.
2. The Commission is aware that it is not desirable in all situations to require the dedication of open space land in all subdivisions, particularly those which are small, and because there is a need to treat all subdividers equally, the Commission may, at its discretion, accept a fee in lieu of land dedication from the subdivider for all or any part of the open space, in accordance with the provisions of section 8-25 of the CGS.

7.3 Declaration and Consideration

1. At the time of filing the formal application for subdivision approval the subdivider shall indicate on the application and final plans whether 20% of the land will be reserved for open space purposes or a fee in lieu of the land for open space will be paid to the town or a combination of land reservation and fee is proposed.
2. The Commission shall consider the proposal and make the final determination after discussing with the subdivider as to whether land shall be dedicated, a fee levied or any combination thereof shall occur. The Commission's decision shall be based on an examination and evaluation of :
 - a. The Town's existing and proposed recreation elements, proposals in the town's Plan of Development and recommendations of the Park and Recreation Commission and Inland Wetland / Conservation Commission.
 - b. The topography, geology, access and location of land within the proposed development and
 - c. The size and shape of the development and its relation to other proposed developments in the immediate area.

7.4 Dedication Requirements

1. Where the open space requirement will be met, in whole or in part, through the dedication of land, the total area reserved for open space shall equal or exceed twenty percent (20%) of the total land area of the subdivision.

The entire open space section in the Subdivision Regulations is proposed for modification

2. Such open space shall:
 - be contiguous to other open space whenever possible,
 - be of sufficient size to make a meaningful contribution to the open space network, and
 - at the option of the Commission, be dedicated to the Town, State, land trust, or other recognized conservation organization with adequate controls to assure its maintenance and preservation.
3. Land which comprises the minimum open space set-aside of twenty percent (20%) of the total parcel shall be of a similar ratio of buildable land to unbuildable land as the entire subdivision or shall, in the opinion of the Commission, preserve environmentally sensitive areas such as river corridors, wildlife sanctuaries or other natural features.
4. To satisfy all or a portion of the open space requirements of a subdivision, the Commission may consider lands located elsewhere in East Windsor.
5. When the subdivision is a portion of a larger parcel of land, the Commission may consider dedication of an area of land in the undeveloped part of the parcel but outside of the proposed area of the subdivision.
6. The Commission may determine the area to be preserved as open space on the parcel being subdivided in order to:
 - a. preserve important natural resources,
 - b. preserve scenic areas,
 - c. preserve agricultural lands,
 - d. provide for the establishment of a greenway, or
 - e. expand adjacent open space areas.
7. The ultimate ownership of dedicated open spaces, parks and playgrounds - be it the Town of East Windsor, a land trust, or a recognized conservation organization - should be determined by the Commission on a case-by-case basis at the time of subdivision approval after considering such factors as:
 - a. the function and location of the parcel,
 - b. its intended users/beneficiaries, and
 - c. the amount and cost of the future maintenance.
8. The Commission ~~reserved~~reserves the right to make the final decision on the suitability of open space land and the means of preservation.

7.5 Fee In Lieu Requirements

1. Where the open space requirement will be met, in whole or in part, through the payment of a fee, a flat fee of ~~\$x,xxx~~ shall be ~~received~~paid for each lot ~~regardless of zone, or the subdivider may instead pay a fee equal to ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The amount of the per-lot fee shall be established by the Commission each year based on a recommendation from the Assessor. Alternatively, the subdivider may instead pay a fee equal to ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision based on an appraisal prepared by a~~licensed appraiser paid for by the subdivider. If there is any dispute ~~about the value of the appraisal~~, the fair market value shall be determined by an appraiser jointly selected by the Commission and the subdivider at the subdivider's expense.

2. If payment of a fee is proposed, the Commission may refuse such fee if it determines, in its sole discretion, that there is one or more areas on the parcel being subdivided which should be preserved through dedication of land.
3. When a fee in lieu of land is accepted by the Commission, the subdivider may elect, at his or her option, to pay the fee to the Town Treasurer prior to filing the approved subdivision with the Town Clerk.
4. If the applicant chooses not to pay the fee prior to the recording of the subdivision then the pro-rated fee for each lot shall be paid to the Town Treasurer at the time of the first sale or transfer of each approved lot in the subdivision. The fee due the Town of East Windsor shall constitute a lien against each individual lot and shall be so noted on the land records of the Town. The Commission, or its designated agent, shall cause such lien(s) to be discharged upon notice by the Town Treasurer that the fee for an individual lot has been paid.
5. The Town Treasurer shall place all fees collected under the provisions of this regulation in a special fund appropriately named to be used at some future date for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

7.6 Exemptions

1. The open space requirements of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration provided, however, that the waiver of the provisions for open space fees shall be noted on the land records along with a notice stating that any lot subject to the waiver shall be liable for its proportional share of the total fee at the time of subsequent sale or transfer to a person not exempt under this subsection if such sale or transfer occurs within five years of the original subdivision approval.
2. The open space requirements of this section shall not apply if:
 - a. a subdivision meets the requirements for an affordable housing, development under Section 8-30g of the Connecticut General Statutes, or
 - b. the Commission elects to exempt the proposed subdivision since it will contain affordable housing, as defined herein, equal to twenty percent or more of the total housing to be constructed in such subdivision.

Modify Section 11 - Planned Residential Development

SECTION 11: PLANNED RESIDENTIAL DEVELOPMENT

11.1 Purpose and Authority

The purpose of this Regulation is to encourage variety and flexibility in single-family detached residential development, conservation of open spaces and scenic and natural resources, and imaginative site planning and architectural design.

The Planned Residential Development (PRD) is an open space/conservation subdivision regulation that is allowed for single-family detached residential development in the R-2, R-3, A-1, and A-2 residential/agricultural zones, provided that a Special Permit is granted by the Commission for the location and development. The requirements and provisions of the existing zone shall apply, unless specifically noted as part of the PRD or specifically waived by the Commission as part of the subdivision approval in accordance with Section 8-26 of the CGS.

The Commission may waive any ~~the~~ requirement of the Subdivision Regulations, including the provisions of Section 11, by a three-fourths vote, of those members present and voting provided the following conditions are met:

- a. Conditions exist which affect the subject land adversely and are not generally applicable to other land in the area~~The property for which the waiver is sought is uniquely affected by these regulations. Physical features of the property or its location cause difficulty in meeting the requirements of the zoning or subdivision regulations.~~
- b. The granting of a waiver will not have a significant adverse effect upon adjacent property or the public health and safety.
- c. The granting of a waiver will not be in conflict with the Plan of Conservation and Development
- d. Sound engineering practices shall be followed and approved by the Town Engineer.

11.2. Design Requirements for PRD

When designing a PRD site, the developer shall consider the following:

- a. The natural layout of the site including natural resources and topography.
- b. The character of the surrounding land and area.
- c. Open space policies and open space needs of the community.

When designing a PRD site, the developer shall, when possible:

- a. Provide or maintain adequate green space along existing roads.
- b. Avoid or minimize driveway access to existing roads.
- c. Avoid or minimize rear yards fronting on existing roads or limit the views of rear yards.
- d. Preserve natural and scenic vistas.

11.3. Open Space Requirements

The following are the Commission's Open Space priorities and policies:

- a. Open Space shall be meaningful and contribute to the Town's Open Space plan and policies.
 - If the open space does not contribute to the Town's Open Space Plan, the developer shall demonstrate the value of the proposed open space.
 - A fee in-lieu-of open space or combination of open space and a fee may be accepted. The applicant must demonstrate the need and value of this option. The base fee may increase in relation to the area and bulk waivers granted.
- b. Open space that encourages active recreation (ball fields, playgrounds, etc.) is strongly encouraged.
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- c. The Commission encourages open space that includes passive recreation (walking trails) and that adds to or creates open space networks.
- d. The Commission encourages open space that is adjacent to existing open space and is willing to consider off-site open space that is adjacent to existing open space, provided that satisfies open space needs.
- e. Depending on the situation, open space may be dedicated to the Town, State, a land trust or other recognized conservation organization acceptable to the Commission.
 - The Commission encourages dedication options that encourage public access, ensure maintenance, and maximizes public benefit and minimizes financial impacts to the Town.
 - When open space is part of the Town's Open Space Plan, dedication to the Town is preferred.
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 - The Commission encourages open space that preserves prime agricultural land and provides the opportunity to continue agricultural use of the land.



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